

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
To Ensure Compatibility with) RM-8143
Enhanced 911 Emergency)
Calling Systems)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Wireless Telecommunications Bureau

NORTH ALABAMA CELLULAR LLC'S
PETITION FOR WAIVER OF SECTION 20.18(c)

North Alabama Cellular, LLC, by its attorneys, hereby petitions the Commission for a waiver, if necessary, of the provisions of Section 20.18(c) of the Commission's rules requiring that it be capable of transmitting 911 calls from individuals with speech or hearing disabilities by means other than mobile handsets. This waiver request is submitted in accordance with the procedures established in the Commission's November 13, 1998 Order in CC Docket No. 94-102.

North Alabama notes at the outset that it is unclear whether a waiver is required for its cellular operations as they currently exist. North Alabama operates a hybrid cellular system involving a TDMA-based digital system overlaid on a traditional analog system. The combination has proved convenient and, indeed, necessary, to serve the many customers who continue to own and use analog mobile phones. At the same time, North Alabama has sought to

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make available the many benefits of digital technology to those customers who desire it. In the present set-up, therefore, many – indeed, most – customers access the NAC system by analog connection. We have made arrangements to transmit 911-type TTY calls over our analog channels to local public safety personnel in compliance with the requirements of Section 20.189(c) of the rules. Prospective customers are advised before signing up for service that TTY connections are only available over the analog channels. Hence, hearing- or speech-impaired individuals signing up for service universally buy or already have analog handsets.

Moreover, it has been our experience that those customers who have TDMA digital phones always have dual-mode phones in order to ensure that they are able to communicate in service areas where TDMA digital is not available. In those circumstances, a customer attempting to make a TTY call (or any data transmission, for that matter) over a digital channel cannot complete the call. Following the instructions provided in the unit's User's Manual, the customer may then simply use the handset to switch the unit to analog and complete the call in that mode. Thus, in a practical sense, any actual customer, whether digital or analog, is presently able to transmit a 911 call by TTY over the North Alabama system.

Since North Alabama is indeed capable of transmitting 911 calls from disabled individuals by TTY, it is unclear whether a waiver of the rule is required. Under the most literal interpretation of the rule, North Alabama does have the capability required. To be sure, it is conceivable that a customer (particularly a roamer) with a pure TDMA handset could enter our territory and attempt to make a 911 call. In such circumstances, our system would not be able

to handle the call, but the rule leaves it unclear whether carriers must be capable of transmitting *all* 911 call attempts via TTY or other similar means or whether the basic capability of connecting *any* such calls meets the letter and purpose of the rule. Because of this uncertainty, this waiver request is being submitted in an abundance of caution.

I. Steps Being Taken to Implement TTY/Digital Capability

A. North Alabama is Committed to Implementing Digital Access

North Alabama is fully committed to implementing digital access to TTY 911 services as soon as such service is feasible. However, we are a small, stand-alone cellular system in rural Alabama. It is beyond our means to develop on our own the technical infrastructure (hardware, software and protocols) necessary to permit digital 911 TTY service to happen. North Alabama has closely followed industry efforts to work with manufacturers and the disabled community to develop the appropriate standards on an industry-wide basis. The periodic reports generated by the Wireless TTY Forum have been reviewed with interest to determine if compliance with the FCC's requirements is in the offing. Without the "clout" to compel manufacturers to develop the needed infrastructure, North Alabama is unfortunately in no position to provide the purely digital service specified by the Commission's rule until the rest of the industry reaches agreement.

B. Manufacturer's Position

North Alabama has been in contact with the manufacturer of its digital transmission system, Lucent Technologies, to see if equipment is or will be available by January 1 to provide digital TTY 911 access. We have been advised

by responsible representatives of Lucent that no equipment currently exists for this purpose. They have not been able to provide us with a firm timetable on when such equipment will be available – in part because they are working with the industry TTY Forum to develop a digital solution which will meet the Commission's requirements and take into account the needs of the disable community. Because those studies are not yet complete, Lucent is reluctant to commit to a particular methodology or a particular date for providing TTY access over their transmission system. Obviously, there is merit to an industry consensus on this issue. In the absence of such consensus, neither network nor handset nor TTY manufacturers appear willing to go forward to create the needed technical infrastructure.

II. Timetable for Making TTY Capability Available

As noted above, Northern Alabama is closely monitoring both industry developments and progress by its own network system manufacturer in the making a digital compatible TTY interface. As soon as such equipment is available, we are committed to ordering it immediately with the objective of having it installed and operational no more than 120 days from the announcement of its availability. Obviously, if these dates can be realistically be accelerated, we will do so.

III. Consumer Concerns

North Alabama has studied the consumer concerns reported by the FCC in its September 30, 1998 Order on this matter. The concerns expressed by consumer representatives of the disabled community are almost all equipment-oriented rather than system-oriented. Because North Alabama neither

manufactures cellular equipment nor has sufficient market power to economically compel the manufacturers to act, it is beyond our power to mandate compliance with the consumer issues noted by the Commission. However, through our industry trade association, CTIA, we have tried to make it clear to the manufacturers that the reasonable needs of consumers should be reflected in the ultimate protocols and equipment designs which are adopted. It is for this reason that representatives of consumers affected by the TTY rules have participated in the Workplan Forum, and their comments and input have been incorporated in ongoing planning efforts. Of course, the first consumer concern noted in the September 30 Order would require error rates to be less than 1% for stationary calls. Current TDMA tests indicate error rates exceeding 5% for TTY calls. The development of a more reliable delivery technology is thus both a consumer issue and a basic availability issue.

IV. Existing Operations

As discussed above, North Alabama already provides TTY capability to its customers over its analog facilities, including customers who have dual mode digital TDMA phones. The availability of these services seem to be addressing the immediate needs of all or virtually all affected or potentially affected customers, and hence we have experienced no current demand for purely digital TTY services whatsoever. This circumstance argues that a temporary waiver of the rule can be granted without imminent harm to the customers who are potentially most directly affected.

V. Conclusion

For the reasons set forth above, North Alabama Cellular requests waiver of Section 20.18(c) of the rules pending the availability of equipment suitable to meet the rule's requirements.

Respectfully submitted,

North Alabama Cellular, LLC

By: 

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Its Attorney